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**Nova Scotia Environmental Trust Regulations**  
**made under Sections 25 and 30 of the**  
***Environment Act***  
**S.N.S. 1994-95, c. 1**  
**Order in Council 95-289 (April 11, 1995), N.S. Reg. 50/95**

### **Citation**

**1** These regulations may be cited as the “Nova Scotia Environmental Trust Regulations”.

### **Definitions**

**2** In these regulations

- (a) “Act” means the *Environment Act*;
- (b) “Administrator” means a person appointed by the Minister pursuant to Section 3 of these regulations, and includes an acting Administrator;
- (c) “approved project” means a project which involves research, development and enhancement of the environment or the protection and conservation of the environment, and is approved pursuant to these regulations;
- (d) “approved program” means a program which involves research, development and enhancement of the environment or the protection and conservation of the environment, and is approved pursuant to these regulations;
- (e) “Department” means the Department of Environment;
- (f) “Minister” means the Minister of Environment;
- (g) “Round Table” means the Nova Scotia Round Table on Environment and Economy;
- (h) “Trust” means the Nova Scotia Environmental Trust.

**[Note: the Department name in clauses (e) and (f) has been updated in accordance with Order in Council 2008-161 under the *Public Service Act*, R.S.N.S. 1989, c. 376, effective April 1, 2008.]**

### **Administrator**

**3** The Minister may appoint an Administrator to administer these regulations.

### **Expenditures from the trust**

**4** Subject to these regulations and the *Finance Act*, the Round Table may

- (a) pay out of the Trust money to provide financial assistance and incentives under an approved project or program;
- (b) pay out of the Trust any costs, charges, audit and other fees and expenses involved in the administration of the Trust;
- (c) invest money in the name of the Trust in any manner in which trustees are authorized by law to invest trust funds; and
- (d) do any other matter or thing which relates to the purpose of the Trust or is incidental to the purpose of the Trust.

[Note: the reference to the *Provincial Finance Act* has been updated in accordance with Section 82 of the *Finance Act*, S.N.S. 2010, c. 2.]

### **Accounts and audits**

**5 (1)** The Round Table shall cause to be kept proper books of accounts respecting

- (a) all sums of money received by and expended from the Trust and the matters in respect of which the receipts and expenditures took place; and
  - (b) the assets and liabilities of the Trust.
- (2)** The accounts of the Trust shall, from time to time and at least once every year, be audited by the Auditor General or an auditor appointed by the Round Table.
- (3)** Copies of any audited statements prepared under subsection (2) shall, if requested by the Round Table, be forwarded by the Auditor General or an auditor, as the case may be, to the Minister.

### **Eligibility for grants**

**6 (1)** Unless the Round Table agrees otherwise, the following persons or organizations are eligible to apply for financial assistance or incentives under these regulations:

- (a) a person who is ordinarily a resident of Nova Scotia;
  - (b) a corporation, society or partnership that is
    - (i) registered under the laws of the Province or the Government of Canada, or
    - (ii) incorporated by legislation and is approved by the Round Table as a corporation that may apply for financial assistance or incentives;
  - (c) a university;
  - (d) an educational institution other than a university that is approved by the Round Table as an institution that may apply for financial assistance or incentives; or
  - (e) a city, town, village or municipality in Nova Scotia.
- (2)** No person shall apply for financial assistance or incentives in the name of an organization or association unless the organization or association is incorporated and registered under legislation of the Province or the Government of Canada.

### **Application process**

- 7 (1)** A person who qualifies under Section 6 may apply to the Round Table pursuant to these regulations
- (a) for approval of a project or program as an approved project or approved program; or
  - (b) for financial assistance or incentives under an approved project or program.
- (2)** An application referred to in subsection (1) shall be on a form prepared by the Round Table and shall contain the following information:
- (a) the name, address, telephone number and fax number, where applicable, of the person submitting the application;
  - (b) details of the project or program which is to be approved as an approved project or approved program or the name of the approved project or approved program under which financial assistance or incentives is requested;
  - (c) the amount of money requested;
  - (d) the reason the money is required;
  - (e) the expected results of the project or program;
  - (f) an identification of other funds applied for or available to complete the work or activity, including any amounts which have been approved;
  - (g) a schedule describing when the work or activity is to be performed;
  - (h) a budget pertaining to the work or activity;
  - (i) a statement of any benefits to the environment arising from the work or activity; and
  - (j) any other information which an Administrator considers necessary.
- (3)** An application for assistance or incentives submitted by an organization shall, if required by an Administrator, be accompanied by information respecting incorporation or other legal existence of the organization and proof that the objects and powers of the organization authorize the work or activity.
- (4)** An Administrator shall receive the application and prepare a report for the Round Table.
- (5)** The Round Table shall consider the report prepared under subsection (4) and may
- (a) request additional information;
  - (b) reject the application;
  - (c) if the application is a request for approval of a project or program, approve the project or program as an approved project or approved program; or

- (d) if the application relates to a request for financial assistance or incentives under an approved project or approved program, approve the money to be paid and the terms and conditions respecting the payment.

### **Agreements**

- 8** The Round Table may require any applicant to enter into an agreement with respect to any matter relating to the payment of financial assistance or incentives under these regulations.

### **Payments**

- 9** The Round Table may provide for the payment of financial assistance or incentives in a lump sum or by way of instalments and may prescribe the time when the payments are to be made.

### **Accounts and records**

- 10 (1)** Every person who receives funding under these regulations shall use the funding for
- (a) the purpose for which the funding was approved; or
  - (b) a different purpose where the purpose under clause (a) has been varied and approved by the Round Table.
- (2)** Every person who receives funding under these regulations, but does not use all of the funding, shall refund any surplus funding to the Trust.
- (3)** Unless the Round Table agrees otherwise in writing, every person who receives funding under these regulations and abandons or otherwise discontinues the work or activity shall notify an Administrator, return any surplus funding to the Trust, and convey to the Trust any asset acquired with the funding.
- (4)** Every person who receives funding under these regulations shall keep or cause to be kept books, documents, records and accounts respecting any funding received and provide copies, upon request, to an Administrator.
- (5)** Every person who receives funding under these regulations shall compile and submit to the Administrator, at such times as the Administrator may request, statistical returns and data pertaining to the work or activity.
- (6)** Funding under these regulations is subject to the condition that the person receiving the funding shall
- (a) at such times as an Administrator may require, produce evidence satisfactory to the Administrator of the manner in which the funding has been used or is being used; and
  - (b) permit an Administrator, an auditor or the Auditor General to examine any books, documents, records and accounts respecting the funding and make copies if requested.

### **Effective date**

- 11** These regulations shall come into force on, from and after April 11, 1995.